REMARKS

Submitted herewith are formal drawings which applicant believes overcome the deficiencies noted by the Examiner.

With respect to the objection to claim 1, appropriate antecedent basis has been provided. Claim 1 now states "wherein a number of accrued unprintable images are compared to a threshold value.".

Applicant would first like to note an inadvertent error in applicant's prior response. Claim 14 was never formally listed as being cancelled, however, as applicant argued, this claim was intended to be cancelled. Accordingly, by this amendment, claim 14 has been positively cancelled.

The Examiner in paragraph 2 of the Official Action rejected claims 1-8, 12-13, 15-16, and 19-20 under 35 USC § 103(a) as being unpatentable over Shiota et al. (US 6,324,521) in view of Pagano (US 5,692,834) and further in view of Amirpanahi (US 5,648,906) for the reasons set forth therein. Applicant has amended the independent claims 1, 12 and 20 to more precisely define the present invention. In particular, claim 1 has been amended to positively recite the providing of the photo processing services by a service provider and that a computer for processing data is provided by the service provider. In addition, subsection "c." has been amended to specifically set forth that the means for automatically assigning credit is provided on the computer.

Independent claim 1 is specifically directed to a system whereby the customer does not need to do anything with regard to maintaining an account and receiving appropriate credit. In particular, the service provider provides a computer for processing data with respect to a customer and means for automatically assigning credit on behalf of the customer for unprintable images on the roll of film provided wherein a number of accrued unprintable images are compared to a threshold value. While Shiota et al. does teach a system and a method for providing photographic services over a network, it does not teach or suggest means for automatically assigning credit on behalf of a customer for unprintable images that are on a roll of film wherein a number of accrued printable images are compared to a threshold value.

The Examiner cited Pagano as teaching prepaid film mailers and thus providing credit to a customer. However, applicant respectfully submits that this is totally apart and distinct from the present invention.

First, with regard to the credit set forth at column 1, lines 49-60, this is being discussed with respect to the prior art to which the Pagano reference was teaching away from. Further, the Pagano reference was not directed to a computer system that keeps track run by the service provider for keeping track of a customer account. Quite the contrary, the portion of the Pagano reference referred to by the Examiner is directed to providing coupons which can be used by the consumer towards the purchase of future prints. This is totally apart and distinct from the present invention and as this requires storage and handling by the customer. In the present invention, there is no storage or handling of the credit by the customer. All the crediting is automatically assigned by the computer of the service provider. Pagano does not teach or suggest any such system and in fact teaches away from such a system by the fact that there is provided coupons to be physically presented. This places a burden on the customer to which the present invention does not require. The Pagano reference in trying to solve the problem in providing these coupons, teaches the crediting of the customer account by using credit card information. See column 3, line 46 and column 4, lines 9-10 and 16-19. Thus, taking Pagano and Shiota et al. together, it could not teach or suggest a computer system as taught and claimed by applicant in independent claim 1.

The Amirpanahi is directed to a network computerized parking system which is totally apart and distinct from the present invention. First, the Amirpanahi reference is directed to using parking charge cards. There are no credit cards used in the present invention. Further, it is directed to pre-paying various charges for parking. This is in contrast to the present invention which is directed to the providing of image services. Furthermore, as with the Pagano reference, this requires some active engagement of the customer. In the present invention, there is no need for the customer to do anything as this is done by the image provider. Accordingly, it is respectfully submitted that claim 1 in present form is not taught or suggested by the prior art.

Claim 12, the second independent claim, is directed to a method for processing images on an image retaining device. The invention of claim 12 includes the steps of maintaining a customer account on a computer database and automatically crediting the customer account for unprintable images in accordance with a predetermined criteria, wherein the predetermined criteria comprises comparing the number of images of said image retaining device that was designed to capture with respect to the number of printable images that are actually provided on

the image retaining device. Claim 12 is patentably distinct for the same reasons discussed with regard to claim 1.

Claim 20, the last independent claim, is directed to a computer software product that when placed on a computer would cause the computer to do the steps set forth therein. The computer software product of claim 20, also includes processing data for a service provider with respect to a customer and automatically crediting the customer for unprintable images in accordance with predetermined criteria, wherein the predetermined criteria comprises the number of images of said retaining devices that was designed to capture with respect to the printable images on the processing image device presented for processing. Hereagain, this is patentably distinct for the same reasons discussed with regard to claim 20.
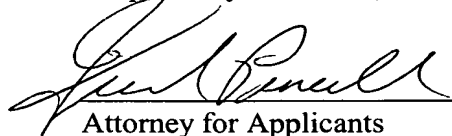
The Examiner also rejected claims 11 and 17-18 under 35 USC § 103(a) for the reasons set forth in paragraph 3 of the Official Action. Claims 11 and 17-18 are dependent claims which depend at least ultimately upon independent claims 1 and 12 and are therefore patentably distinct for the reasons previously set forth.

The summary of the invention has been amended to correspond to the independent claims as amended herein.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

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In the Specification:

The paragraph beginning on page 3, line 16 has been amended as set forth below:

In accordance with one aspect of the present invention there is provided a photoprocessing management system for managing photoprocessing services of a service provider, comprising:

The paragraph beginning on page 3, line 19 has been amended as set forth below:

a)   a computer for processing data by the service provider with respect to a customer;

The paragraph beginning on page 3, line 22 has been amended as set forth below:

c)   means on the computer for automatically assigning credit on behalf of said customer for unprintable images on said roll of photographic film wherein the a number of accrued unprintable images are compared to a threshold value.

The paragraph beginning on page 4, line 1 has been amended as set forth below:

c.   automatically determining the number of printable images on said processed image retaining device; and

The paragraph on page 4, after line 2 is new.

The paragraph beginning on page 4, line 3 has been amended as set forth below:

d̶e. automatically crediting said customer <u>account</u> for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

The paragraph beginning on page 4, line 8 has been amended as set forth below:

a. processing data <u>for a service provider</u> with respect to a customer;

In the Claims:

Claim 14 has been cancelled.

Claims 1, 12 and 20 have been amended as set forth below:

1.(Twice Amended)   A photoprocessing management system for managing photoprocessing services of a service provider, comprising:

a.   a computer for processing data by said service provider with respect to a customer;

b.   means for filling an image order for said customer and associating a charge to said customer for filling of said image order with respect to a roll of photographic film; and

c.   means on said computer for automatically assigning credit on behalf of said customer for unprintable images on said roll of photographic film wherein the-a number of accrued unprintable images are compared to a threshold value.

12.(Twice Amended) A method for processing images on an image retaining device, comprising the steps of:

a.   providing an image retaining device of a customer, said image retaining device capable of retaining a predetermined number of images;

b.   processing said image retaining device by a processing lab;

c.   automatically determining the number of printable images on said processed image retaining device;-and

d.   maintaining a customer account on a computer database; and

de.   automatically crediting said customer account for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

20.(Twice Amended) A computer software product that when placed in a computer will cause the computer to do the steps of:

-10-

a.   processing data <u>for a service provider</u> with respect to a customer;

b.   keeping track of a customer order having an image retaining device capable of retaining a predetermined number of images;

c.   automatically determining the number of printable images on said processed image retaining device; and

d.   automatically crediting said customer for said unprintable images in accordance with a predetermined criteria wherein predetermined criteria comprises comparing the number of images of said image retaining device was designed to capture with the number of printable images on said process image retaining device.

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